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March 6, 1997

MAR - 6 1997

BY HAND DELIVERY

Mr. William F. Caton

Acting Secretary

Federal Communications Commission

1919 M Street, N.W., Room 222

Washington, D.C. 20554

Re: Farmersville, Texas

Dear Mr. Caton:

Transmitted herewith, on behalf of Galen O. Gilbert, are an original and four copies of a
"Petition for Rule Making."

Should any questions arise concerning this matter, please communicate with this office.

Very truly yours,



Anne Goodwin Crump

Counsel for Galen O. Gilbert

Enclosures

cc: Robert Hayne, Esquire

By Hand Delivery

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Of 4
MMB

BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

In the Matter of)
)
Amendment of Section 73.202(b),)
Table of Allotments,)
FM Broadcast Stations)
(Farmersville, Texas))

RECEIVED

MAR - 6 1997

For the Commission, Secretary
of the Commission

PETITION FOR RULE MAKING

Galen O. Gilbert, by his attorneys, hereby respectfully requests that the Table of Allotments for FM Broadcast Stations, 47 C.F.R. Section 73.202(b), be amended to allot Channel 221A to Farmersville, Texas as its first local service. With respect thereto, the following is submitted:

1. Mr. Gilbert previously had sought the allotment of Channel 260C3 to Farmersville in MM Docket 96-10. Pursuant to a Settlement Agreement in that proceeding, Mr. Gilbert withdrew his proposal, and Channel 221A was allotted to Farmersville. Subsequently, a Joint Emergency Motion for Stay of Filing Window has been submitted in MM Docket 96-10. That Joint Emergency Motion proposes the deletion of the Channel 221A allotment on the basis of a claim of lack of remaining interest among parties to the proceeding. While Mr. Gilbert believes the filing of the instant Petition to be unnecessary, he is submitting this Petition out of an abundance of caution and to conclusively demonstrate continued interest in the Farmersville allotment.¹

¹ If the relief requested in the Joint Motion for Emergency Stay, including deletion of the Channel 221A allotment at Farmersville, is denied, this Petition may be dismissed as unnecessary.

2. Attached hereto is an Engineering Statement previously submitted in MM Docket 96-10 which demonstrates that Channel 221A may be allotted to Farmersville in accordance with the Commission's technical rules and policies.²


3. If Channel 221A is allotted to Farmersville, Mr. Gilbert will submit an application for construction permit for the proposed station within the proper time period. Indeed, Mr. Gilbert already has an application under preparation. If granted the construction permit, Mr. Gilbert will expeditiously construct the station as authorized.

WHEREFORE, the premises considered, Mr. Gilbert respectfully requests that the FM Table of Allotments be amended to allot Channel 221A to Farmersville.

Respectfully submitted,

GALEN O. GILBERT

By:


James P. Riley
Anne Goodwin Crump

His Attorneys

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March 6, 1997
agc/#91/petrm.gog

² This Engineering Study Statement is not invalidated by the June 25, 1996 application of Gleiser Communications, Inc. for a one-step upgrade of Station KDOK, Tyler, Texas. As shown in Mr. Gilbert's Opposition to Joint Emergency Motion for Stay of Filing Window, also filed today, that application is a nullity; it was unacceptable when filed and must be rejected.

ENGINEERING STATEMENT

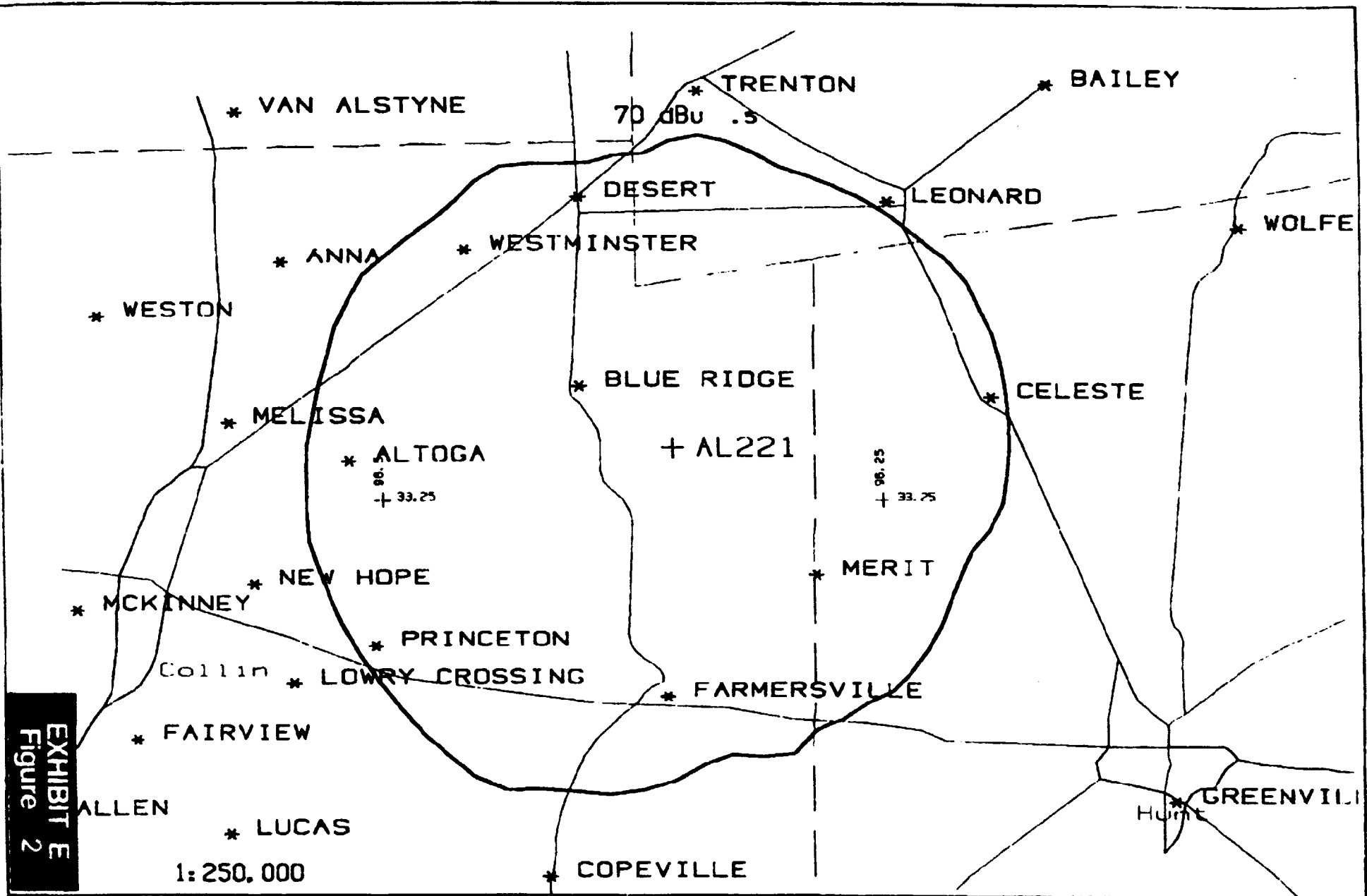
IN SUPPORT OF
REPLY COMMENTS
MM DOCKET 96-10
HUNT BROADCASTING, INC.
COWBOY BROADCASTING, L.L.C.

ALLOCATION STUDY - CH221A @ FARMERSVILLE (DEPICTING SEPARATIONS FOR CH221A @ FARMERSVILLE)

33 16 21 N.	Class A	Search Date
96 21 14 W.	Current rules spacings	05-24-96
----- Channel 221 - 92.1 MHz -----		
Call Ch# City	State Bear' Dist' R'qrd	Margin

Community of Farmersville	TX 181.6 12.30	
Reference Coordinates:		
North Latitude: 33-09-42		
West Longitude: 96-21-27		
>KEMM 221A Commerce	TX 105.6 32.10 115.0	-82.90 *
Of no concern		
Changed to Channel 277A		
in MM Docket 94-66		
>KDOK.C 221C3 Tyler	TX 134.5 141.97 142.0	-0.03 *
KZPS 223C Dallas	TX 217.2 95.15 95.0	0.15 *
KVTT 219C Dallas	TX 217.4 95.28 95.0	0.28 *
KSSU 220A Durant	OK 358.6 81.64 72.0	9.64 *
>KDOK 221A Tyler	TX 136.4 136.55 115.0	21.55
>KFXI.C 221C1 Marlow	OK 315.5 223.55 200.0	23.55
>KDOK.C 221A Tyler	TX 134.5 141.97 115.0	26.97
KCLEFM 221C2 Glen Rose	TX 230.1 198.73 166.0	32.73

EXHIBIT E
Figure 1



1:250,000

Scale in km



AL221 221 6kW

N. Lat. 33 16 21

W. Lng. 96 21 14

CH221A AT FARMERSVILLE
LAKE BROADCASTING

CERTIFICATE OF SERVICE

I, Barbara Lyle, a secretary in the law firm of Fletcher, Heald & Hildreth, P.L.C., do hereby certify that a copy of the foregoing "Petition for Rule Making" was sent this 6th day of March, 1997, by first-class United States mail, postage prepaid, to:

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Policy & Rules Division, Mass Media Bureau
Federal Communications Commission
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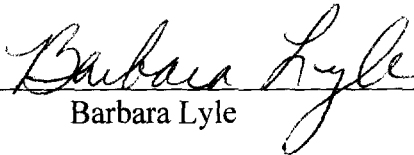
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*By Hand Delivery


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